

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIFFANY PEOPLES-HUNT, Personal
Representative of the Estate of
WILLIE PEOPLES, deceased,

Plaintiff,

v

HOME DEPOT, U.S.A., INC.,
d/b/a The Home Depot; and
NEW EASTLAND MALL DEVELOPER LLC,

Defendants.

No. 2:17-cv-14134-AC-SDD

Hon. Avern Cohn

_____/

JULES B. OLSMAN (P28958)
RANDY J. WALLACE (P57556)
Attorneys for Plaintiff
2684 West Eleven Mile Road
Berkley, MI 48072
(248) 591-2300
jbolsman@olsmanlaw.com
rwallace@olsmanlaw.com

CAROLYN JERECK (P41748)
MICHAEL D. WEAVER (P43985)
MARGARET A. CZUCHAJ (P74636)
Attorneys for Deft. Home Depot
Plunkett Cooney
38505 Woodward Ave, Suite 100
Bloomfield Hills, MI 48304
(248) 594-8674
cjereck@plunkettcooney.com
mweaver@plunkettcooney.com
mczuchaj@plunkettcooney.com

_____/

NOTICE OF HEARING

TO: All Counsel

PLEASE TAKE NOTICE that Plaintiff's Motion to Approve Settlement of a Wrongful Death Action and to Allow Distribution of Proceeds will be brought on for hearing on **Tuesday, December 18, 2018 at 2:00 p.m.** before Honorable Avern Cohn or as soon thereafter as counsel may be heard.

FURTHER TAKE NOTICE that if you claim to be entitled to damages as a result of the wrongful death of Willie Peoples or as a result of the injuries resulting in Willie Peoples's death you must present a claim for damages to Tiffany Peoples-Hunt on or before **Tuesday, December 18, 2018 at 2:00 p.m.** Failure to present a claim for damages within the time provided shall bar you

from making a claim to any of the proceeds.

Respectfully submitted,

OLSMAN MACKENZIE PEACOCK &
WALLACE, P.C.

/s/ Jules B. Olsman
Jules B. Olsman (P28958)
Attorney for Plaintiff
2684 West Eleven Mile Road
Berkley, MI 48072
248-591-2300 / 248-591-2304 [fax]
jbolsman@olsmanlaw.com

Dated: December 4, 2018

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**PLAINTIFF'S MOTION TO APPROVE SETTLEMENT OF WRONGFUL DEATH
ACTION AND TO ALLOW DISTRIBUTION OF PROCEEDS**

NOW COMES the Plaintiff, Tiffany Peoples-Hunt, Personal Representative of the Estate of Willie Peoples, Deceased, by and through her attorneys, OLSMAN MACKENZIE PEACOCK & WALLACE, P.C., and hereby moves this Honorable Court for an Order approving the proposed confidential settlement of this matter and allowing distribution of proceeds, stating as follows:

1. That the above-entitled matter arises out of the wrongful death of plaintiff's decedent Willie Peoples, age 81 (DOB: 05/29/1933), on December 26, 2014. Plaintiff's decedent was injured while exiting the Home Depot store in Harper Woods. As he stepped out into the parking lane in front of the store, he was struck by a motor vehicle operated by Thomas P. Neal, Jr. An investigation revealed that a stop sign at the crosswalk was missing. The concrete base and pole were present, but the sign itself had been removed. Plaintiff's decedent died as a result of the injuries he sustained in the occurrence. A prior action brought by the Estate of Willie Peoples as to Thomas P. Neal, Jr. was

settled for \$50,000 in 2015 without litigation. That resolution has no bearing on this case.

2. This case was settled for a confidential amount on November 14, 2018. The amount of the settlement along with a breakdown of costs and fees will be provided to this Court in a Confidential Settlement Breakdown Sheet at the time of the hearing on plaintiff's motion.

3. That plaintiff seeks to have this Honorable Court approve the settlement of the wrongful death case. Plaintiff states that the settlement is fair, reasonable, adequate and in the best interests of the Estate of Willie Peoples, deceased.

4. Plaintiff is represented by Olsman MacKenzie Peacock & Wallace, P.C., which has expended costs as detailed in the Confidential Settlement Breakdown Sheet which will be presented to the Court at the time of the hearing.

5. That the law firm of Olsman MacKenzie Peacock & Wallace, P.C. is also entitled to a one-third contractual contingency fee in the amount stated in the Confidential Settlement Breakdown Sheet.

6. That plaintiff further requests that this Honorable Court make a finding that Willie Peoples did not suffer conscious pain and suffering prior to his death on December 26, 2014.

WHEREFORE, plaintiff Tiffany Peoples-Hunt, Personal Representative of the Estate of Willie Peoples, deceased, respectfully requests that this Honorable Court order the following relief:

- (a) Order that the settlement in this case is approved;
- (b) Order that the settlement is fair, reasonable, adequate and in the best interests of the Estate of Willie Peoples, deceased;
- (c) Order that tender the full and complete amount of the settlement proceeds in this matter to plaintiff's counsel within seven (7) days of this Court's approval of the settlement of this case and that the check be made payable to Tiffany Peoples-Hunt, Personal Representative of the Estate of Willie Peoples, and Olsman MacKenzie Peacock & Wallace, P.C.
- (d) Order that the law firm of Olsman MacKenzie Peacock & Wallace, P.C. be reimbursed its costs in the amount stated in the Confidential Settlement Breakdown Sheet;
- (e) Order that the law firm of Olsman MacKenzie Peacock & Wallace, P.C. be reimbursed a contractual contingency fee in the amount stated in the Confidential Settlement Breakdown Sheet;
- (f) Order that the proceeds available for distribution be distributed in

accordance with the Order Allowing Distribution of Proceeds;

- (g) Find that plaintiff's decedent Willie Peoples did not sustain conscious pain and suffering prior to death on December 26, 2014;

Respectfully submitted,

OLSMAN MACKENZIE PEACOCK &
WALLACE, P.C.

/s/ Jules B. Olsman

Jules B. Olsman (P28958)

Attorneys for Plaintiff

2684 West Eleven Mile Road

Berkley, MI 48072

248-591-2300 / 248-591-2304 [fax]

Dated: December 4, 2018

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BRIEF IN SUPPORT OF
PLAINTIFF'S MOTION TO APPROVE SETTLEMENT OF WRONGFUL DEATH
ACTION AND TO ALLOW DISTRIBUTION OF PROCEEDS

Pursuant to MCLA 600.2922, plaintiff Tiffany Peoples-Hunt, Personal Representative of the Estate of Willie Peoples, deceased, respectfully requests that this Honorable Court approve the settlement of this claim for wrongful death and permit distribution of proceeds.

OLSMAN MACKENZIE PEACOCK
& WALLACE, P.C.

/s/ Jules B. Olsman

Jules B. Olsman (P28958)
Attorneys for Plaintiff
2684 West Eleven Mile Road
Berkley, MI 48072
248-591-2300 / 248-591-2304 [fax]

Dated: December 4, 2018

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**ORDER APPROVING SETTLEMENT OF A CLAIM
FOR WRONGFUL DEATH AND ALLOWING DISTRIBUTION OF PROCEEDS**

At a session of said Court, held in the
United States District Court for the
Eastern District of Michigan on _____

PRESENT: HONORABLE _____
Hon. Avern Cohn
U.S. District Court Judge

The Court having read the Motion to Approve Settlement of a Claim for Wrongful Death and to Allow Distribution of Proceeds, the Court having heard testimony on the record and being fully advised in the premises hereof;

IT IS HEREBY ORDERED AND ADJUDGED that the settlement in the amount stated in the Confidential Settlement Breakdown Sheet is heretofore approved.

IT IS FURTHER ORDERED AND ADJUDGED that the settlement is fair, reasonable, adequate and in the best interests of the Estate of Willie Peoples, deceased;

IT IS FURTHER ORDERED AND ADJUDGED that defendant tender the full and complete amount of the settlement proceeds in this matter to plaintiff's counsel within seven (7) days of this Court's approval of the settlement of this case. The check shall be made payable to Tiffany Peoples-Hunt, Personal Representative of the Estate of Willie Peoples, and Olsman MacKenzie Peacock & Wallace, P.C.

IT IS FURTHER ORDERED AND ADJUDGED that the attorney fee and costs set forth in the Confidential Settlement Breakdown Sheet are hereby approved;

IT IS FURTHER ORDERED AND ADJUDGED that Willie Peoples, deceased, did not sustain conscious pain and suffering prior to death on December 26, 2014;

IT IS FURTHER ORDERED AND ADJUDGED that the proceeds available for distribution be distributed as set forth on the Confidential Settlement Breakdown Sheet;

IT IS FURTHER ORDERED AND ADJUDGED that this Court shall retain jurisdiction over payment of the settlement proceeds.

THIS IS NOT A FINAL ORDER AND DOES NOT CLOSE THIS CASE.

Hon. Avern Cohn
U.S. District Court Judge

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PROOF OF SERVICE

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

Barbara L. Bound, being first duly sworn, deposes and says that on December 4, 2018, she placed in the United States Mail, postage prepaid, copies of the foregoing Notice of Hearing, Motion to Approve Settlement and Distribution of Proceeds, Proposed Order, and Proof of Service, properly addressed to:

Carolyn Jereck, Esq.
38505 Woodward Avenue
Suite 100
Bloomfield Hills, MI 48304

Ms. Tiffany Peoples-Hunt
24680 Adlai Avenue
Eastpointe, MI 48021

Mr. Donovan Hunt
24680 Adlai Avenue
Eastpointe, MI 48021

Mr. Hunter Palmer
2450 Sunflower Lane
Beaumont, TX 77713

Mr. Brandon Peoples
4682 Brockham Way
Sterling Heights, MI 48310

Mr. Jordan Peoples
4682 Brockham Way
Sterling Heights, MI 48310

Mr. Keith Peoples
7325 Painted Rock Drive
Colorado Springs, CO 80911

Mr. LaShawn Peoples
4682 Brockham Way
Sterling Heights, MI 48310

Mr. LP
c/o LaShawn Peoples
4682 Brockham Way
Sterling Heights, MI 48310

Mrs. Charlie Ann Peoples
7411 Strong Street
Detroit, MI 48213

Ms. Andrea Peoples-Campbell
2450 Sunflower Lane
Beaumont, TX 77713

Barbara L. Bound, being first duly sworn, further deposes and says that on December 4, 2018, she also placed in the United States Mail, postage prepaid, copies of the Confidential Breakdown and a Waiver and Consent to all of those individuals above who are interested parties in this matter.

/s/ Barbara L. Bound
Barbara L. Bound